

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Suzee Branch,	:	Case No. 1:07CV0026
	:	
Plaintiff	:	Judge Kathleen O'Malley
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Commissioner of Social Security,	:	REPORT AND RECOMMENDED
	:	DECISION
Defendant	:	

Plaintiff's counsel has moved pursuant to 20 C.F.R. §§416.1525 and 416.1528 for approval of an award of attorney fees of \$4,800.00 from the plaintiff's award of past due benefits in the amount of \$34,925.00, with the proviso that a previous fee award pursuant to the Equal Access To Justice Act in the sum of \$2,000.00 will be returned to the plaintiff to avoid double recovery of fees.

The defendant has responded that he will not be filing an objection to this motion.

It is, accordingly, recommended that the motion be granted and the award be approved.

s/DAVID S. PERELMAN
United States Magistrate Judge

DATE: February 6, 2009

OBJECTIONS

Any objections to this Report and Recommended Decision must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order. *See, United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See, also, Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).